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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/636,167	08/07/2003	Silvio Lupo	36020364 US02	3595
7590	05/17/2005			EXAMINER NGUYEN, PHILLIP
Paul D. Greeley, Esq. Ohlandt, Greeley, Ruggiero & Perl, L.L.P. 10th Floor One Landmark Square Stamford, CT 06901-2682			ART UNIT 2828	PAPER NUMBER
DATE MAILED: 05/17/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/636,167	LUPO, SILVIO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Phillip Nguyen	2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-8 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 is/are rejected.  
 7) Claim(s) 8 is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____ .

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Stern et al. ('399). Stern discloses in Fig. 1 a mounting arrangement 100 for a laser source 112 and at least one auxiliary component 128 associated therewith, said at least one auxiliary component having a major dimension, said laser source and said auxiliary component being mounted on a submount 126 having a general plane of extension, wherein said at least one auxiliary component is mounted with said major dimension substantially orthogonal to said general plane of said submount.
  
2. Claims 1, 3-4, and 7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kner et al. ('287).

With respect to claim 1, Kner discloses in Fig. 10, 13, and 18 a mounting arrangement for a laser source 112 and at least one auxiliary component 124/128 associated therewith, said at least one auxiliary component having a major dimension, said laser source and said auxiliary component being mounted on a submount 126 having a general plane of extension, wherein said at least one auxiliary component is mounted

with said major dimension substantially orthogonal to said general plane of said submount.

With respect to claim 3, Kner discloses in Fig. 10, 13, and 18 wherein said laser source has a lasing direction (up) and said auxiliary component is displaced laterally with respect to said lasing direction of said laser source.

With respect to claim 4, Kner discloses wherein said laser source includes front and back lasing facets aligned along said lasing direction, said auxiliary component has a surface exposed to radiation from said back facet of the laser source, and in that said surface is tilted laterally with respect to said lasing direction-tm so that radiation from said laser back facet along said lasing direction is reflected away from such direction.

With respect to claim 7, Kner discloses an electrically conductive area/pad 252-253 onto which both said laser are mounted.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kner et al. ('287).

With respect to claim 5, Kner discloses in Fig. 10, 14, 18 the claimed invention. However, Kner does not explicitly teach the auxiliary component mounted to the

submount by means of conductive glue and electrically conductive area/pad. Kner teaches in Fig. 24-26 with a means for conductive glue for the auxiliary component to the submount with conductive adhesive (col. 12, lines 10-13) and electrically conductive area/pad onto which auxiliary component is mounted. It would have been obvious to the one having ordinary skill in the art at the time the invention was made to provide a means for conductive glue to attach the laser because it is well known in the art.

With respect to claims 2 and 6, Kner does not teach the auxiliary component being a bias inductance nor SMD. However, replacing an auxiliary component such as photodiode by a bias inductance or SMD only involves routine skill in the art.

***Allowable Subject Matter***

4. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Citation of Pertinent References***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patent to Kner et al. discloses Tunable Semiconductor Laser System, U.S. Patent No. 6327287

The patent to Stern et al. discloses Scanner and Mirror with Shape Memory Alloy Hinges, U.S. Patent No. 6186399

***Communication Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Nguyen whose telephone number is 571-272-1947. The examiner can normally be reached on 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MINSUN HARVEY, can be reached on 571-272-1835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MINSUN CH HARVEY  
PRIMARY EXAMINER